

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

SAMUEL CEDNO VAZQUEZ,
Plaintiff,

v.

Civil No. 3:24cv427 (DJN)

NURSE NORWOOD, *et al.*,
Defendants.

MEMORANDUM OPINION

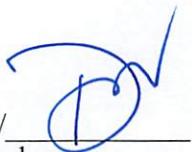
By Memorandum Order entered on June 24, 2024, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form and *in forma pauperis* affidavit. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. Plaintiff returned the *in forma pauperis* affidavit provided by the Court. (ECF No. 4.) Plaintiff, however, failed to complete and return a consent to collection of fees form, and by Memorandum Opinion and Order entered on August 15, 2024, the Court dismissed the action without prejudice.

On September 18, 2024, the Court received a "request for an extension of to file" and "request to re-open and, or refile." (ECF No. 9, at 1.) Plaintiff contends that he experienced delays in receiving documents from the Court. Given Plaintiff's timely return of the *in forma pauperis* affidavit, Plaintiff fails to offer an adequate explanation for his failure to timely return the consent to collection of filing fees form. Accordingly, Plaintiff's request for an extension of time and request to reopen (ECF No. 9, 10) will be DENIED.

Nevertheless, because it appears that Plaintiff remains interested in pursuing his complaint, the Court will direct the Clerk to file his complaint as a new civil action. The Clerk will be directed to docket a copy of this Memorandum Opinion and Order in the new civil action. Once a new civil action has been opened, the Court will continue to process the action. The present civil action, however, remains closed.

An appropriate Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.



/s/

David J. Novak
United States District Judge

Alexandria, Virginia
Date: October 16, 2024